



**U.S. Department of Justice**

*United States Attorney  
Eastern District of New York*

JJD  
F.#2010R00014

*United States Attorney's Office  
610 Federal Plaza  
Central Islip, New York 11722-4454*

January 3, 2012

By Federal Express  
Corporal Patrick McDevitt  
Nassau County Correctional Center  
100 Carman Avenue  
East Meadow, New York 11554  
Telephone No.: 516-572-3536

Warden William Zerillo  
Queens Private Correctional Facility  
182-22 150<sup>th</sup> Avenue  
Jamaica, New York 11413-4009  
Telephone No.: 718-553-5420

Re: United States v. Prado et al.  
Criminal Docket No. 10-074 (S-4) (JFB)

Dear Corporal McDevitt and Warden Zerillo:

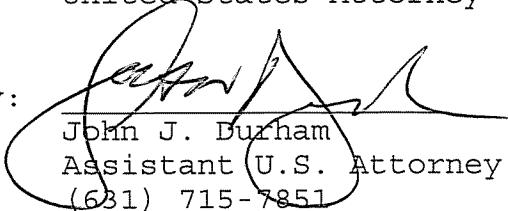
Please find enclosed herewith a supplemental, Rule 16 discovery letter, a copy of which is attached hereto as Exhibit 1, and six disks with additional discovery materials in connection with the above-referenced matter. As previously discussed, United States District Judge Joseph F. Bianco has directed the government to provide copies of all Rule 16 discovery materials in connection with this case to the Nassau County Correctional Center ("NCCC") and the Queens Private Correctional Facility ("QPCF") and to ensure that they are made available to the defendants listed on Exhibit 2, who are housed at the NCCC and QPCF. Further, the government is aware of the Nassau County Sheriff's Department's Guidelines regarding discovery materials, which are attached hereto as Exhibit 3 and incorporated by reference.

If you have any questions, please do not hesitate to contact me at the number below.

Very truly yours,

LORETTA E. LYNCH  
United States Attorney

By:

  
John J. Durham  
Assistant U.S. Attorney  
(631) 715-7851

Exhibits 1-3

Enclosures (6 Disks)

cc: Clerk of the Court (JFB) (By ECF w/o enclosures)  
All Counsel of Record (By ECF w/o enclosures)

EXHIBIT 1

(January 30, 2011 Discovery Letter)



U.S. Department of Justice

United States Attorney  
Eastern District of New York

JJD  
F.#2010R00014

United States Attorney's Office  
610 Federal Plaza  
Central Islip, New York 11722-4454

December 30, 2011

By ECF and Regular Mail

ATTACHED DISTRIBUTION LIST

Re: United States v. Acosta-Yanes et al.  
Criminal Docket No. 10-074 (S-4) (JFB)

Dear Counsel:

Pursuant to our on-going discovery obligations under Rule 16, the government has sent the items listed below to First Choice Copy for duplication. The items were sent by Federal Express today and should be available for order early next week. If you would like to order copies of these disks, please contact Joseph Misner at First Choice Copy at (718) 381-1480.

Pursuant to United States District Judge Joseph F. Bianco's prior order, the government will send a copy of this letter and one set of the attached materials to both the Nassau County Correctional Center and the Queens Private Correctional Facility. Per recent guidance from the Metropolitan Detention Center ("MDC"), for those defendants being held at MDC, counsel should mail whatever disks you deem necessary directly to the individual defendants.

Documents and Tangible Objects

1. A DVD with scanned copies of the following documents, several of which have been redacted: (a) additional photographs of MS-13 graffiti, including graffiti created by Adalberto Ariel Guzman; (b) a Nassau County Police Department scene examination report and photographs relating to the July 5, 2009 shooting; (c) a supplemental laboratory report summarizing a comparison of Yobany Calderon's DNA to DNA recovered at the Avalos murder scene; (d) copies of a search warrant and affidavit in support of a search warrant for Franklin Villatoro's cellular telephone; (e) Crime Scene Examination Reports

from the May 17, 2009 murder of Ruben Madrid; (f) Suffolk County Crime Laboratory reports, including autopsy reports and photographs, crime scene, biological, and ballistics reports in connection with Argueta and Torres murders, and ballistics reports in connection with the Moreno and Quijada murders; (g) an ATF Trace Summary Report regarding the .22 caliber handgun used in the Argueta, Torres and Moreno murders, which was recovered at the scene of the Quijada murder; (h) a photograph identification of David Valle in connection with the Vasquez murder; (i) a photograph of murder victim Michael Alguera; (j) a Nassau County Police Department scene examination report relating to the January 18, 2008 murder of Michael Alguera; (k) screen shots taken from a MySpace.com account associated with David Valle; (l) Nassau County Correctional Center records; and (m) photographs of certain physical items recovered in connection with the Argueta and Torres murders (original items are available for examination upon request) ("Disk-52").

2. A DVD with surveillance video footage at MDC from June 28, 2011, when John Doe #15 was assaulted by other inmates, including Diego Ninos ("Disk-53").
3. A DVD with crime scene photographs from the May 17, 2009 murder of Ruben Madrid ("Disk-54").
4. A DVD with a crime scene video from the February 5, 2010 murders of Vanessa Argueta and Diego Torres ("Disk-55").
5. A DVD with 911 and radio transmissions from the February 5, 2010 murders of Vanessa Argueta and Diego Torres ("Disk-56").
6. A DVD with crime scene photographs from the January 18, 2008 murder of Michael Alguera ("Disk-57").

Additionally, the government is in possession of the following firearms that have been seized from members of the MS-13 or in connection with crimes committed by members of the MS-13, which the government may introduce during its case-in-chief: (a) a Lorcin 9mm semi-automatic handgun seized on or about September 17, 2003; (b) a .22 caliber revolver, .38 caliber revolver and .40 caliber semi-automatic handgun seized from MS-13 members on or about October 10, 2004; (c) a 12-gauge shotgun seized from MS-13 members in August 2008; (d) a Browning .380 caliber handgun seized from MS-13 members in October 2008; and (e) a Bryco Arms .22

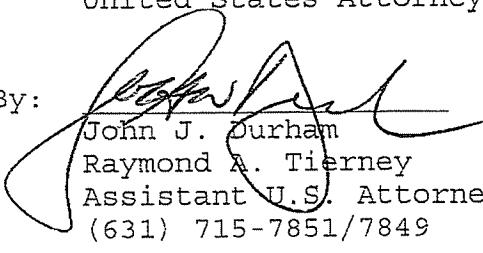
caliber semi-automatic handgun and ammunition recovered at the scene of the Quijada murder. Please contact the undersigned if you would like to examine the firearms and ammunition.

The government renews its request for reciprocal discovery.

Very truly yours,

LORETTA E. LYNCH  
United States Attorney

By:

  
John J. Durham  
Raymond A. Tierney  
Assistant U.S. Attorneys  
(631) 715-7851/7849

Attachments

cc: Clerk of the Court (JFB) (By ECF)

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Hauppauge, New York 11788

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816 Deer Park Avenue  
North Babylon, New York 11703

EXHIBIT 2

(List of Defendants)

YONIS ACOSTA-YANES  
DAVID VALLE  
LOUIS RUIZ  
HERIBERTO MARTINEZ  
VIDAL ESPINAL  
ROGER ALVARADO  
JOSE GUSTAVO ORELLANA-TORRES  
MARIO ALPHONSO HERRERA-UMANZOR  
JEREMIAS EXEQUIEL AMAYA  
FRANKLIN VILLATORO  
YOBANY CALDERON  
ADALBERTO ARIEL GUZMAN  
DIEGO NINOS

EXHIBIT 3

(NCCC Guidelines)

EDWARD R. SUCZKI  
COUNTY EXECUTIVE

EDWARD REILLY,  
SHERIFF



SHERIFF'S DEPARTMENT  
NASSAU COUNTY CORRECTIONAL CENTER  
100 CARMAN AVENUE  
EAST MEADOW, NY 11554

## DISCOVERY MATERIALS via ELECTRONIC MEDIA GUIDELINES

The following procedures must be followed for the acceptance of discovery materials via electronic media by the Nassau County Sheriff's Department:

1. The materials submitted to the Correction Center must come directly from the inmate's criminal attorney of record to the Sheriff's Department/Correctional Center Inmate Law Library either via parcel or by hand delivery.
2. The materials must be accompanied by an original writing from the attorney setting forth in sufficient detail the type and quantity of the materials being submitted, and the attorney must affirmatively state that the review of such materials by the subject inmate is necessary to the pending criminal proceedings.
3. The attorney must affirmatively state that the materials are not covered by any attorney-client privilege and the materials are subject to inspection by security staff at any time.
4. The attorney must affirmatively acknowledge that the materials will be maintained by the Sheriff's Department/Correctional Center at all times and the subject inmate will be provided with opportunities to view such materials at times not unduly disruptive to the daily operations of the facility.
5. The attorney must provide for a means or method by which the Sheriff's Department/Correctional Center can return the materials at the completion of the review by the subject inmate at no cost to the facility.

06-23-05